THE HON'BLE MR JUSTICE V.V.S.RAO

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WRIT PETITION NO : 21765 of 2005

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Dated:05.10.2005

Between:

Smt.Pola Ganga Jamuna

D/o.Late Sri Pola Vishwanadham

Aged about 36 years, Occ:Service

R/o.H.No.2-2-6, Big Bazar, Armoor Town and

Mandal, Nizamabad District.

..... PETITIONER

AND

The Joint Collector, Nizamabad,

Nizamabad District, and others.

.....RESPONDENTS

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION No.21765 of 2005

ORDER:

By impugned notice dated 22.09.2005, the second respondent, purporting to take an appeal filed under sub-Section (5) of Section 5 of the A.P.Rights in Land and Pattadar Pass Books Act, 1971 (for short 'the Act') filed by respondents 4 to 23, informed the petitioner that the case is posted on 29.09.2005. In this Writ Petition the said notice is challenged, *inter alia,* on the ground that the petitioner has already filed a suit, being O.S.No.202 of 2003, on the file of the Court of the Senior Civil Judge, Nizamabad. Therefore, it was not permissible for the authorities, under the Act, to entertain any matter for entering, modifying, amending the record of rights.

A reading of the lengthy affidavit, accompanying the writ petition, would show that

the litigation between the petitioner and respondents 4 to 23 has been pending for more than a decade, and ultimately, the petitioner approached the Civil Court by filing O.S.No.202 of 2003. Nothing prevents the petitioner to bring these facts to the notice of the second respondent, who has only taken the appeal on file as required under Section 5 of the Act. Giving liberty to the petitioner to do so, the writ petition is dismissed. No costs.

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(V.V.S.RAO, J)

05.10.2005

vs